

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

CARLOS GARCIA,

Petitioner,

v.

U.S. IMMIGRATION & CUSTOMS ENFORCEMENT,

Respondent.

---

ORDER

04-CV-949S

1. On June 6, 2007, this Court denied Petitioner's first Motion for Appointment of Counsel. (Docket No. 24.) On August 14, 2007, Plaintiff filed a second motion seeking the same relief.

2. Under the standards promulgated in Hendricks v. Coughlin, 114 F.3d 390, 392 (2d Cir. 1997) and Hodge v. Police Officers, 802 F.2d 58, 60-62 (2d Cir. 1986), this Court will again deny Petitioner's Motion for Appointment of Counsel without prejudice at this time.

IT HEREBY IS ORDERED, that Petitioner's Motion to Appoint Counsel (Docket No. 31) is DENIED without prejudice.

SO ORDERED.

Dated: August 16, 2007  
Buffalo, New York

/s/William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge